

650 Town Center Drive, Suite 620  
Costa Mesa, CA 92626-1925  
Phone: (714) 708-8555  
Fax: (714) 708-8565

**Birch, Stewart,  
Kolasch & Birch, LLP**

# Fax

RECEIVED  
CENTRAL FAX CENTER  
JAN 18 2005

To:	Office of NTFMP	From:	Leonard R. Svensson
Fax:	(703) 872-9306	Pages:	12 including cover sheet
Phone:		Date:	January 18, 2005
Your Ref.:	10/817,155	Our Ref.:	0459-0741PUS2
Re:	Letter Submitting Documents for Completion of an Application	CC:	

**Urgent**    **For Review**    **Please Comment**    **Please Reply**    **Please Recycle**

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited. If your receipt of this transmission is in error, please notify this firm immediately by collect call to (714) 708-8555, and send the original transmission to us by return mail at the address above.

● **Comments:** Attached are the following:

- Letter Submitting Documents for Completion
- Response to Notice to File Missing Parts of Non-Provisional Application
- Copy of Stamped Dated Postcard
- Copy of Notice to File Missing Parts of a Non-provisional Application

**BEST AVAILABLE COPY**

MS MISSING PARTS  
PATENT  
0459-0741PUS1

## IN THE U.S. PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

Applicant: Morton Sloth Weidner Conf.: 1184  
Appl. No.: 10/817,155 Group:  
Filed: April 2, 2004 Examiner:  
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE  
CARBOXY DERIVATIVE AND AN H2 HISTAMINE  
RECEPTOR ANTAGONIST

JAN 18 2005

## THIS IS NOT A NEW PATENT APPLICATION

LETTER SUBMITTING DOCUMENTS  
FOR COMPLETION OF AN APPLICATION  
PURSUANT TO 37 C.F.R. § 1.53(f) and/or § 1.53(d)

## MS MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The application papers for the above-identified application were originally filed on April 2, 2004 and the application was assigned Appl. No. 10/817,155.

## DOCUMENTATION

- Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration of the inventor(s) ( original  photocopy), necessary for completing the filing requirements in connection with the above-identified application.
- Under the provisions of 37 C.F.R. §§ 1.41(c) and 1.53(f), attached hereto is the executed Declaration that was attached

Appl. No. 10/817,155

to the specification at the time of execution. The attached specification is a true copy of the specification that was filed in the U.S. Patent and Trademark office on April 2, 2004, including any amendments thereto (if applicable) filed on even date therewith.

- The undersigned hereby declares that "Attorney Docket No. 0459-0741PUS1 " on page 1 of the attached inventors' Declaration, corresponds to Appl. No. 10/817,155, filed April 2, 2004, entitled "CHEMICAL COMPLEX COMPRISING A PYRIDINE CARBOXY DERIVATIVE AND AN H2 HISTAMINE RECEPTOR ANTAGONIST."
- Attached is a copy of the Notice to File Missing Parts of Nonprovisional Application.
- Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
  - See the attached Translator's Verification; or
  - The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- Attached are \_\_\_\_\_ ( ) sheet(s) of drawings. Please substitute these corrected drawings for the corresponding \_\_\_\_\_ ( ) sheets of drawings on file in the above-identified application.
- Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.

Appl. No. 10/817,155

- Applicant claims small entity status under 37 C.F.R. § 1.27.
- Submitted concurrently herewith under separate cover for recording is an Assignment.
- Attached is a Response to Notice to File Missing Parts of Non-Provisional Application.

**FEES**

The Government Filing Surcharge(s) (37 C.F.R. § 1.16(e) and/or § 1.17(k)) and the basic Government Filing Fee(s) (37 C.F.R. § 1.16(a)-(d), if applicable) is/are attached hereto and calculated as follows:

- Basic Filing Fee(s): \$395.00 (37 C.F.R. § 1.16(a)-(d))
- The Government Filing Surcharge under 35 U.S.C. § 1.16(e) for late filing of filing fee, oath and/or declaration:
  - Large Entity - \$130.00
  - Small Entity - \$ 65.00
- The Government Filing Surcharge under 37 C.F.R. § 1.17(i) for filing of translation of non-English Specification in the amount of \$130.00:
  - was previously paid for concurrently with the filing of the application on .
  - is attached hereto.
- Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

		LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 = \$0

Appl. No. 10/817,155

Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$955.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL	51	-	20	=	0	\$50 (large)	\$775.00
INDEPENDENT	1	-	3	=	0	\$200 (large)	\$0.00
<input checked="" type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM							\$360 (large)
							\$180.00
							<b>TOTAL</b>
							<b>\$955.00</b>

No extension fee is required because the undersigned has not yet received the Notice to File Missing Parts of Nonprovisional Application. However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

Applicant hereby respectfully petitions for a five (5) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$1,080.00 is attached hereto.

Applicant hereby submits the basic filing fee of \$395 for a small entity application.

Check(s) in the amount of \$0.00 to cover the basic filing fee(s), surcharge fee(s), additional claim fee(s), and any extension of time fee(s) (if applicable) is/are enclosed.

Appl. No. 10/817,155

Please charge Deposit Account No. 02-2448 in the amount of \$2,430.00.

No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By John Kalpurna Reddy # 46, 183  
Leonard R. Svensson, #30, 330

LRS/KR/sbp  
0459-0741PUS1

**Attachment(s)**

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

*Certificate of Transmission*  
I hereby Certify that this correspondence is being  
facsimile transmitted to the Patent and  
Trademark Office.

Trademark Office. On January 13, 2005

On 10/20/07 Date 10/20/07

John D. Johnson   Signature

SANDRA B. PAUL

\_\_\_\_ **Typed or printed name of person signing certificate**

5

MS MISSING PARTS  
PATENT  
0459-0741PUS1

## IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Moth Sloth WEIDNER Conf.: 1184  
Appl. No.: 10/817,155 Group:  
Filed: April 2, 2004 Examiner:  
For: CHEMICAL COMPLEX COMPRISING A PYRIDINE  
CARBOXY DERIVATIVE AND AN H2 HISTAMINE  
RECEPTOR ANTAGONIST

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NON-PROVISIONAL APPLICATION

MS MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

January 18, 2005

Sir:

The Notice to File Missing Parts dated June 18, 2004 required Applicant to submit an Oath/Declaration to perfect the filing of the application. The Oath/Declaration was required to comply with 37 CFR 1.63 and identify the application by application number and filing date. Applicant wishes to advise the United States Patent and Trademark Office that a proper Declaration was filed with the application on April 2, 2004. As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the postcard indicating

Appl. No. 10/817,155

receipt of the Declaration by the United States Patent and Trademark Office.

Applicant would point out that the present application is a continuation application and, as such, Applicant submitted a copy of the declaration filed in the parent case as specifically permitted under 37 CFR 1.63(d)(1)(i). Accordingly, Applicant has not, and is not required to submit a new Oath/Declaration.

Reconsideration and removal of this requirement is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension

Respectfully submitted,

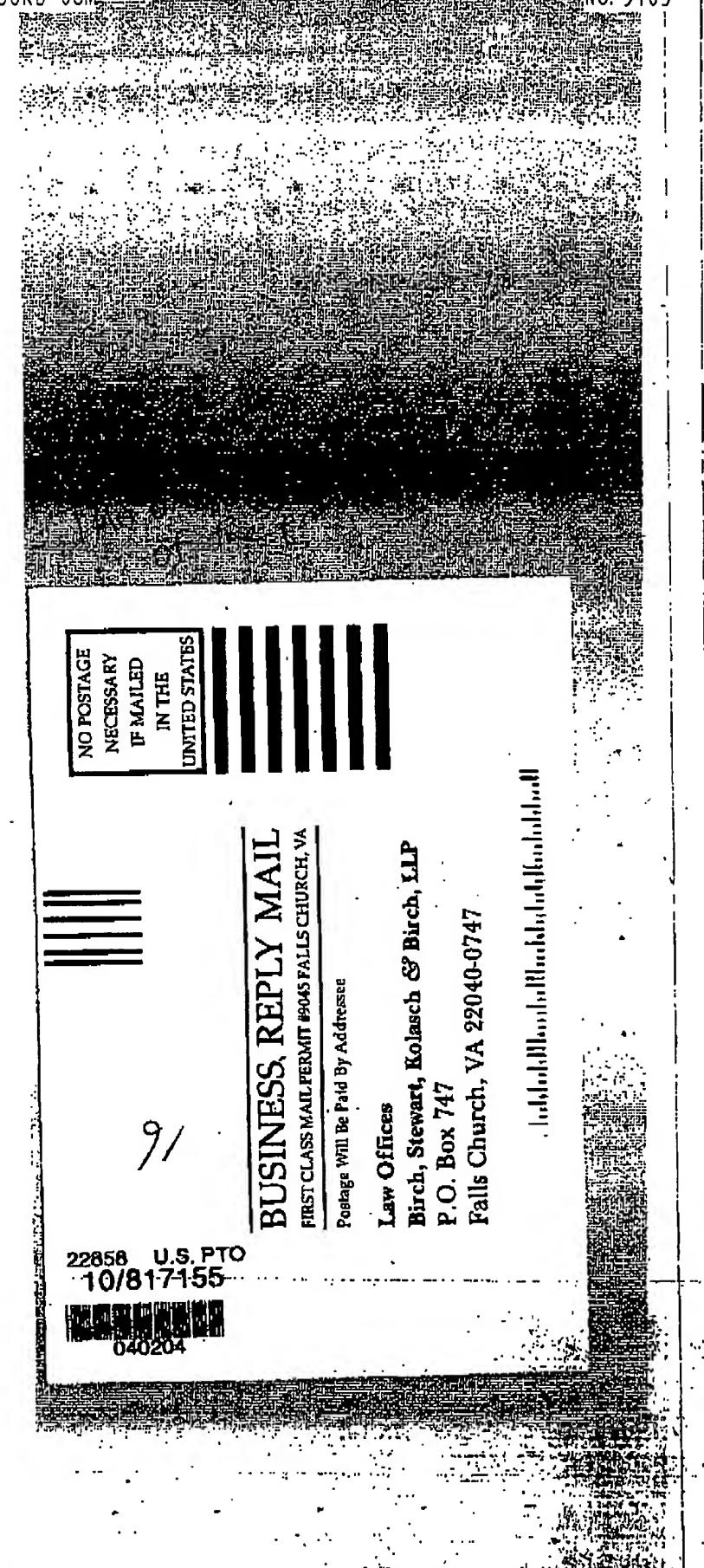
BIRCH, STEWART, KOLASCH & BIRCH, LLP

*Leonard R. Svensson #46,183*  
Leonard R. Svensson, #30,330

LRS/KR/sbp  
0459-0741PUS1

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments: Copy of Postcard Receipt



Papers Filed herewith on: April 2, 2004  
DOCKET NO. 0459-0744 P/524 PATENT: U.S./KR  
APPLICANT(S): WEIDNER  
APPLN. NO: NEW FILED: Apr. 2, 2004  
PAT NO: \_\_\_\_\_

New Application with Transmittal Letter  
 Utility  Design  CIP  PCT  Provisional  
 Filing Under 37 CFR 1.53(b)  CONT  DIV  
 Filing Under 37 CFR 1.53(d) (CPA)  
 Filing Under 37 CFR 1.114(RCE)  
 Specification Consisting of: 31 pages  
 Combined Declaration & Power of Attorney  
 Assignment / Cover Letter  
 Letter to Official Draftsman  
 Drawings \_\_\_\_\_ Sheets  Formal  Informal  Red-ink  
 Completion of Filing Requirements, PCT/D/0/EQ/005  
or Formalities Letter and Executed Declaration  
 Priority Document(s) / Cover Letter, No. Doc. \_\_\_\_\_  
 Amendment:  
 Transm'l Ltr  Large Entity  Small Entity  
 Response \_\_\_\_\_  
 Information Disc Stmt'l PTO-1449(s) \_\_\_\_\_ doc(s)  
 Notice of Appeal  Appeal Brief  
 Issue Fee Transmittal  Sequence Listing  
 FEES: \_\_\_\_\_  
 Letter: \_\_\_\_\_  
 Other: EXPRESS MAIL Certificate  
EV 28605 8867 US

DOCKET NO. 0459-0744 P/524

Receipt is hereby acknowledged of the papers filed as  
Indicated in connection with the above identified case.  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Due Date: \_\_\_\_\_  
Handcarry: \_\_\_\_\_



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/817,155	04/02/2004	Morten Sloth Weidner	0459-0741PUS2

02292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

## CONFIRMATION NO. 1184

## FORMALITIES LETTER



\*OC000000012993037\*

Date Mailed: 06/18/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of \$848 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$1748 for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$848

- \$558 for 31 total claims over 20.
- \$290 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**